

THE BLUE SHEET

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DEPARTMENT OF JUSTICE FORMAL SETTLEMENTS

The Maryland-National Capital Parks and Planning Commission entered into an agreement to improve accessibility at Brookside Gardens, a botanical garden and conservatory, near Washington, D.C. The Commission agreed to provide accessible parking, entrance signs, drinking fountains and toilet rooms at the visitor's center and to provide accessible parking, counters, drinking fountains, and toilet rooms at the conservatory, as well as accessible routes through the greenhouses.

The Department signed an agreement with Campbell County, Wyoming, resolving a complaint by an individual who is blind alleging that the country failed to provide court documents to her in Braille in a timely manner, taking four months to respond to her request. The country agreed to adopt a written policy of nondiscrimination based on disability and to provide appropriate auxiliary aids and services where necessary to ensure effective communication.

The Department reached an agreement under Project Civic Access with the City of Folly Beach, South Carolina, resolving a complaint by a wheelchair user that the city's town hall, community center, community park, Ocean Park Pavilion, and places of public parking were inaccessible to persons with disabilities. The city agreed to provide: accessible toilet rooms and an accessible dispatch room at the town hall; accessible parking, toilet rooms, and entrances at the community center and community park; and accessible toilet facilities at the Ocean Park Pavilion.

The City of Pleasant Valley, Missouri, signed a settlement agreement resolving a complaint alleging that the newly constructed city hall was not accessible. The facility that housed both the city hall at the top of the structure and the sheriff's department at the bottom, was built into a hill. Each had separate entrances and, although there was a stairwell in the employee area connecting the two offices, there was no elevator. The city agreed to install an elevator, provide a van-accessible space, adjust the placement of a toilet in the police department to make it accessible, and provide access to the alderman's platform.

The Department reached an agreement with the City of Evanston, Wyoming, resolving a complaint that the Evanston Municipal Court failed to provide a qualified sign language interpreter to an individual who is deaf or hearing impaired during the arraignment of his son and, instead, asked the son to interpret for his father. The city agreed to adopt policy and procedures to ensure that individuals who are deaf or hard of hearing having business with the municipal court, including parties, witnesses, jurors, or spectators, are provided appropriate auxiliary aids and services. The agreement also requires the city to pay the complainant \$600 in monetary damages.

The Department entered into a settlement agreement with the McKinley Chalet Resort located in Denali Park, Alaska, resolving a complaint filed by an individual who uses a wheeled walker. She alleged the 345-room resort had an insufficient number of guest rooms accessible to people with mobility impairments. The resort agreed to make physical modifications to its facilities to provide accessible parking, entrances, interior and exterior routes, public telephones, toilet rooms, service counters, drinking fountains, and dinner theater amenities. It also agreed to provide nine fully accessible guest rooms.

ANC Rental Corporation, and its subsidiaries, Alamo Rent-A-Car LLC and National Car Rental System, Inc., agreed to provide accessible shuttle buses at airport car rental locations nationwide owned by ANC. The settlement agreement resolves several complaints filed by travelers with disabilities who use a wheelchair or scooter alleging the companies did not provide accessible shuttle buses between the airport terminal and the rental lots. Under the agreement, each ANC-owned location will have at least one accessible shuttle bus within sixty days. The parties also agreed to ensure that all larger shuttle bus vehicles (seating 17 or more passengers) and up to 10 percent of smaller vehicles they purchase or lease in the future are accessible. They will also adopt a policy for ensuring equivalent service to individuals with disabilities by providing curbside pickup and drop-off services when an accessible shuttle bus vehicle is not available.

The Department reached an agreement with the Howard Johnson Maingate Hotel resolving a complaint by a wheelchair user that the hotel, located at the entrance to the Busch Gardens, Tampa, Florida, amusement park, did not provide adequate accessible parking, accessible routes, or fully accessible guest rooms for people with mobility impairments. The hotel agreed to improve the accessibility of the four guest rooms designated as “accessible” by installing accessible grab bars, toilet flush controls, in-tub seats, and towel racks, as well as by providing adequate clear floor space at the lavatories and toilets. The hotel also agreed to provide an additional fifth accessible parking space, to make one of the spaces van accessible, and to provide an accessible route from the parking to the front entrance.

The Department entered an agreement with the Hilton Garden Inn, Washington, D.C., resolving a complaint alleging that it seated a person who is blind in a separate lounge area for dinner instead of in the restaurant because of her

service dog. The hotel agreed to adopt a policy welcoming people with disabilities and their service animals, post it in a conspicuous location in the lobby of the hotel, and provide ADA training to its employees.

The Department reached an agreement with Wee-Kare Nursery, Rocky Gap, Virginia, a home-based daycare center, resolving a complaint that the childcare provider had terminated a child from its program because his mother had hepatitis C. After the mother told the daycare owner in confidence that the reason she had been going to so many doctor's appointments was because of her hepatitis C, the nursery owner said she would no longer take care of her son, even though the child had tested negative for hepatitis C. The owner agreed to attend a training program on the ADA obligations of child care providers, adopt a written nondiscrimination policy, and pay \$1,000 in compensatory damages to the complainant.

The Department signed an agreement resolving allegations that a Texas childcare center refused to enroll a four-year-old child with Down Syndrome who needed diapering. The center had a policy of requiring children over the age of three to be toilet trained. Peggy's Childcare, Inc., agreed to pay \$4,000 in damages to the complainants, modify its policy to admit children over three who are not toilet-trained if their need for diapering is due to a disability, and provide ADA training to its employees.

The Department entered into a settlement agreement with the Hampton Inn Hotel, Taos, New Mexico, resolving a complaint by an individual with a disability who alleges she and her husband were not allowed to rent a room because she uses a service animal. The hotel agreed to adopt a policy allowing individuals with disabilities and their service animals equal access to the hotel's services, provide ADA training to its employees, and reimburse the complainant's expenses.

The Department reached an agreement resolving a complaint filed by an individual who is deaf that Laff Spot Willowbrook in Houston, Texas, failed to provide her and her family with seating near the stage so she could lip-read during a comedy show. She and her husband claimed that they had called ahead and been told they would be seated near the stage if they came early. Even though they arrived early and empty seats were available in the front row, the family was seated further back behind an obstruction. When they asked for other seating, they were moved to an even less satisfactory location. Under the agreement, Laff Spot agreed to pay the complainant \$1,500 and give her four tickets to a future show, post in the box office a copy of Laff Spot's policies and procedures for accommodating persons with disabilities, and provide ADA training to its managers and employees.

An individual who is blind filed a complaint alleging that Yellow Cab, Salt Lake City, Utah, refused to give her a taxi ride upon learning she was accompanied by a service animal. The corporation agreed to reiterate its commitment to service all customers, place window decals welcoming people with service animals in al

taxi cabs, conduct an ADA training program for all drivers and dispatchers, and give the complainant 25 free-fare certificates.

OTHER SETTLEMENTS

In Illinois, two individuals complained that a company refused to rent jet skis to them because they are deaf. The company agreed to change its policy and rent water sports equipment to customers who are deaf or hard of hearing. The company also paid the complainants \$200.

An individual who is deaf filed a complaint that a Georgia city's 9-1-1 system did not provide direct access to TTY users. The city installed a new 9-1-1 call processing system with integrated TTY software.

An individual who uses a wheelchair complained that a California city performing arts center was not accessible and that accessible seating was more expensive than other seating. The city widened doors and installed ramps and visual alarms; made toilet rooms, dressing rooms, showers, kitchen, and stage area accessible; and agreed to provide orchestra level seats at the same price as balcony seats when a person with a mobility impairment requests balcony priced seating.

An individual who uses a wheelchair complained that an Ohio municipal swimming pool and the city courthouse were not accessible. The city installed a lift into the pool and an accessible route between the toilet rooms and changing areas and made its courtroom accessible by installing an assistive listening system, adding four wheelchair spaces and two seats without an armrest, and installing appropriate signage to identify the new accessible features.

An individual who uses a wheelchair and a service animal complained that a hotel in Iowa charged an additional fee because of his service animal. The hotel agreed not to charge extra fees to guests with disabilities who use service animals and paid the complainant \$500 in damages.

MINI-SEMINAR SERIES

The mini-seminar series has been suspended for the summer. The next one will be on October 13, 2004, on Access Codes. Watch for further updates on the dates and topics of the mini-seminars.

ONE COMMUNITY CONFERENCE

This is a leadership conference on living, learning and working together. Organizations involved are Granite State Independent Living, the N.H. Department of Education, and the N.H. Department of Health and Human Services. The conference will take place in March of 2005. One of the things they are talking about focusing on is making health care procedures accessible to all persons with disabilities. Some people avoid some medical procedures

because they are not able to get on a table, or some of the machinery is not adaptable to persons with disabilities. If some of these procedures are not accessible, it puts persons with disabilities at risk.

NEWSLINE

SB 404 was a bill to create a study committee to see if Newsline was something that could come into New Hampshire. The Senate passed the bill and when it went to the House the committee decided that they didn't need the bill, so they killed the bill and set up an ad hoc committee and Verizon has agreed to fund Newsline for six months, with a serious look at an additional six months after that. It is primarily for persons who are blind or severely visually impaired, however it is available for anyone who has a disability which results in an inability to access print. There are over 100 newspapers nationally and when a state signs on, two local newspapers are able to go onto Newsline. As of July 1, 2004, Newsline will be available in New Hampshire. He said that what the ad hoc committee wants to do is to put a bill in to come up with some state funding for Newsline so it won't just be a one year deal. They need to show there is an interest in Newsline and that people are signing up to show the legislature it is a necessary service. To sign up for Newsline go to www.nfb.org.

PRESIDENT BUSH ESTABLISHES INTERAGENCY COORDINATING COUNCIL FOR EMERGENCY PREPAREDNESS AND INDIVIDUALS WITH DISABILITIES

On July 23rd, President Bush, joined by the National Organization on Disability (NOD), signed an Executive Order on Individuals with Disabilities in Emergency Preparedness. The Executive Order calls for the creation of an Interagency Council dedicated to ensuring the safety and security of individuals with disabilities in emergency situations. For more information on the Executive Order and the functions of the new Council see their website at www.nod.org/content.cfm?id=1546.

WHERE DO THE CANDIDATES STAND ON EDUCATION AND LONG-TERM CARE ISSUES

Hosted by CAUSE (Communities Actively United for Social Equality) on October 17th, there will be a Free Candidates Awareness Forum from 2:00 p.m. to 4:00 p.m. at Rundlett Middle School Gym, Conant Park Drive, in Concord, NH. President Bush, Vice President Cheney, Senators Kerry and Edwards, Governor Benson, and Candidate Lynch have been invited to attend and present their view on important issues to New Hampshire Residents. Co-Hosts are: AARP, Disabilities Rights Center, the Elder Rights Coalition, Granite State Independent Living, the Alliance for Retired Citizens, NH Cares, the NH Citizens Alliance, Community Supports Network, People First of NH, the NH Charitable Foundation, Partners in Health, NH Autism, and the Governor's Commission on Disability. For more information please call 225-0999 or email: info@nhcause.org or nhcause@aol.com.

NEW HAMPSHIRE COMMISSION CHAIRMAN APPOINTED

Paul Van Blarigan, a long time member of the Governor's Commission on Disability, has been appointed as the new Chairman of the Commission. At the April Commission meeting, Governor Craig Benson appointed Paul as the successor to former Chairman, Matthew Sochalski. The staff at the Commission welcomes Paul as the new Chairman and thanks Matt for his help and guidance over the past six years.

NEW SURVEY FINDINGS RAISE QUESTIONS ABOUT COMMUNITY INTEGRATION OF PERSONS WITH DEVELOPMENTAL DISABILITIES

A national survey conducted by the Institute for Community Inclusion in Boston, Massachusetts, finds that despite the push toward integrated employment for people with developmental disabilities, in many states non-work day programs continue to be a substantial component of services provided. Over one-third of individuals served annually were in non-work programs and the majority of individuals in non-work services were in facility-based settings. The survey questions whether non-work programs advance goals such as independence, integration, and self-determination.

To read more on the survey go to
www.communitiyinclusion.org/publications/pub.php?page=rp39.

SCIENTIFIC DISCOVERY MAY BE SIGNIFICANT FOR RARE DISORDER THAT CAUSES MENTAL RETARDATION

The action of a protein called CBP is essential for the stabilization of long-term memory, a discovery that may help children with Rubinstein-Taybi syndrome, a rare but debilitating developmental disorder that causes mental retardation and other anatomical abnormalities, say scientists at The Scripps Research Institute and the University of California, San Diego (SCSD) School of Medicine.

For more information go to: www.scripps.edu/news/press/062304.html.

LARGEST STUDY EVER LAUNCHED TO FIND GENES ASSOCIATED WITH AUTISM USING DNA TECHNOLOGY

The National Alliance for Autism Research has launched the Autism Genome Project, the largest study ever conducted to find the genes associated with inherited risk for autism. Over the next six months, the world's leading genetics researchers will pool their resources and use a new technology called the DNA microarray, to scan the human genome in the search for the genetic causes of autism. To read more about this study go to:
www.naar.org/news/render_pr.asp?intNewsItemID=176.

In other autism news, researchers at the UC Davis MIND institute have found that the areas of the brain responsible for emotion and memory are abnormally large in boys with autism. Visit www.ucdmc.ucdavis.edu/mindinstitute/html/news/current/07-14-04-1.html to read more.

NEW MOBILITY

Jean Dobbs has just compiled a valuable, two-volume resource guide titled KIDS ON WHEELS, which is designed for grade-school children who use wheelchairs, parents, teachers, and professionals. The children's volume profiles recreation opportunities, sports, service animals, media images, schools, and an ADA crossword puzzle.

Each volume contains about 125 pages, and they are sold together for \$24.95. To order, visit www.newsmobility.com or phone the publisher, Leonard Media Group at 888-850-0344.

A WORLD AWAITS YOU

Young persons with disabilities, ages 18-24, who are interested in cross-cultural exchange programs, should contact Mobility International at www.miusa.org.

TAKING A TRIP WITH YOUR CHILD WITH DISABILITIES

Traveling with children with disabilities may require more than the usual amount of planning, but if the family prepares, the trip can run smoothly for everyone.

If your child has a disability, the following internet resources may offer assistance:

www.pacer.org - includes links to many different disability organizations.

www.travelwithkids.about.com/msubdisabilities.htm.

www.disabilitytravel.com

www.sath.org

www.travelguides.org

www.wheelchair-getaways.com